In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 15123 of 2006

Date of Decision: September 21, 2006

Raj Kumar

…Petitioner

Versus

Haryana Staff Selection Commission and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. S.S. Godara, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The posts of Dispensor (Ayurveda) were advertised on 6.5.2006 and the last date for receipt of applications was 5.6.2006. The petitioner duly applied for the post by attaching a certificate from the Course Coordinator, Vinayaka Mission's Research Foundation Deemed University, dated 24.5.2006 (P-1) showing that the petitioner was a student of Diploma Upvaid 2nd Year and secured 496 out of 750 marks. It was further pointed out that marks sheet was awaited at that stage. The diploma, in fact, was given to the petitioner somewhere in August 2006. The Haryana Staff Selection Commission-respondent No. 1 has rejected the candidature of the petitioner on the ground that

he did not fulfil the requisite academic qualification on the cut off date i.e. 5.6.2006, which was the last date of receipt of application.

The question for consideration before us is whether a certificate like Annexure P-1, dated 24.5.2006, could be accepted as a Diploma Certificate in proof of having passed the aforementioned course or it is only the actual certificate awarded to the petitioner in August 2006 (P-4), which can be regarded as fulfilment of the requirement of the advertisement Annexure P-2. It is appropriate to mention that the advertisement required a candidate to have passed qualification of Up-Vaidya from any recognized University/Institution; Matric or its equivalent; knowledge of Hindi and English upto Matric Standard or Diploma in Ayurvedic Pharmacy; 10+2 examination should be passed with Physics, Chemistry and Biology and knowledge of Hindi and English upto Matric Standard. The candidates were also required to attach the documents viz. Matric/Higher Secondary School Certificate or its equivalent showing date of birth and having passed in Hindi, certificate issued by the competent authority in support of the claim of belonging to the Scheduled Caste, Backward Class, Ex-servicemen and outstanding sportspersons, detailed marks sheets and certificates, degree etc. of all examinations passed from Matriculation to the higher qualification along with the application form. The certificate of experience was also required to be added.

Having heard the learned counsel for the petitioner, we are of the view that the certificate dated 24.5.2006 (P-1) is far from

fulfilment of the requirements of the advertisement, which mandated the attachment of detailed marks sheet and certificate along with degrees etc. There was neither any detailed marks sheet nor any diploma certificate with the petitioner on the cut off date i.e. 5.6.2006. The diploma certificate along with detailed marks sheet could be obtained by the petitioner only in August 2006. Therefore, we are of the considered view that on the cut off date the petitioner did not fulfil the required qualification and the order passed by the respondent No. 1 Commission is unassailable. Therefore, there is no merit in the instant petition. Accordingly, the same is dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 21, 2006
Pkapoor